

SEP 08 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Christopher B. Best

Application Serial No.: 10/797,793

Group Art Unit: 3711

Filed: March 10, 2004

Examiner: Stephen Luther Blau

For: SET OF GOLF CLUB IRONS

Attorney Docket No. C04-02

TERMINAL DISCLAIMER

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Troy R. Lester, represents that he is the Assistant Secretary and Patent Counsel for Acushnet Company, the assignee of the entire right, title and interest in and to the instant application by virtue of an assignment from Christopher B. Best, to Acushnet Company that was in parent application no. 10/440,710, filed on 5/19/2003.)

Petitioner hereby disclaims the terminal part of any patent granted on the instant application that would extend beyond the expiration date of U.S. Patent No. 6,743,114, issued on June 1, 2004, from application no. 10/440,710. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,743,114. Petitioner further agrees that this agreement is to run with any patent granted on the instant application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term of U.S. Patent No(s). 6,743,114 in the event that any such patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title and stated above.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the grant of any patent grant, in the event that any such granted patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant, except for the separation of legal title and stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of Acushnet Company.


Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to the Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

9-8-04

Date



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